



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

Revised

February 9, 2009

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

STATUS OF BACKGROUND INVESTIGATIONS BY THE DEPARTMENT OF HEALTH SERVICES – (ITEM NO. 32, AGENDA OF FEBRUARY 10, 2009)

On February 3, 2009, on motion by Supervisor Antonovich, your Board instructed this Office to report on February 10, 2009, regarding the status of actions relating to the management of criminal background investigations by the Department of Health Services (DHS).

BACKGROUND

On July 22, 2008, your Board instructed the Auditor-Controller (A-C) to investigate the personnel review process that was conducted on DHS employees who were assigned to Martin Luther King Jr. Multi-Service Ambulatory Care Center. On September 8, 2008, the A-C reported their findings to your Board and recommended that DHS work with the Department of Human Resources (DHR) to implement corrective actions to address specific findings.

On October 20, 2008, DHR's report to your Board identified recommendations for 152 DHS employees (Attachment), of which DHS has processed 119 as recommended. An additional 19 were recommended for discharge by DHR, of which 4 were discharged, 11 were suspended, 1 received a letter of determination and expectation, and 1 had the record expunged by the court. Of the remaining 2 cases, 1 is pending a Skelly recommendation and 1 is pending court proceedings. The attachment includes additional information on the disposition of these 152 employees.

"To Enrich Lives Through Effective And Caring Service"

*Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only*

STATUS

Immediately following receipt of DHR's recommendations, DHS took the following actions:

- In October 2008, DHS revised and implemented procedures for reviewing and documenting job nexus determinations to provide for standardization and consistency. In addition, a multi-layer review process was established to ensure that determinations are consistent with your Board's policy on background investigations for sensitive positions.
- In October 2008, DHS created a central unit to review job nexus determinations.
- In November 2008, DHR trained key DHS staff and managers on required procedures for implementing the Board policy regarding background investigations.
- On December 16, 2008, DHS centralized the receipt of Department of Justice criminal history records in order to streamline the process and enhance security and confidentiality of the information.

NEXT STEPS

In addition, to further strengthen background investigation efforts, DHS is taking the following steps:

- On February 6, 2009, the Interim Director of DHS issued a memorandum to all Executive Staff directing them to ensure that all workforce members, including contractors, are processed through DHS Human Resources (HR) prior to beginning employment with the Department as required by DHS and County policy.
- On February 13, 2009, a memo will be issued to **all DHS employees** with their paychecks, reiterating the employee processing requirements. The memo will indicate that workforce members who do not get processed through DHS HR or do not clear Live Scan will not receive a photo identification card (badge), and will not be permitted to work. The memo will also state that failure to comply with this directive may result in discipline up to and including discharge.

- DHS is in the final stages of developing a database to track all Live Scans and communicate the results and status to each facility's management. DHS expects to roll out the new system in March 2009.
- As part of its reorganization efforts in DHS HR, DHS proposed the creation of a centralized Contract Personnel Office within its Regulatory Compliance Section to provide for greater oversight over hiring and tracking of registry and contract personnel. Staff will be housed throughout DHS facilities to Live Scan and badge contract personnel as well as maintain and monitor the "do not send" database. Our Office is currently reviewing the staffing plan as part of their Fiscal Year 2009-10 budget request.

INITIAL FINDINGS

As previously noted, of the original 152 employees, 19 were recommended for discharge and DHS has proceeded with discharging 4 of the 19 employees. Action on the remaining 15 employees was recently taken or is currently pending and this Office is reviewing the files. A very critical and detailed assessment has been initiated on these files to ensure that the actions taken, or about to be taken, are in full accordance with your Board's established policies. It should be noted that of the 15 employees, 13 have been processed in accordance with the Skelly provisions and such decisions are final, and 2 cases are pending. Of the 13 cases, 11 have been reviewed and 2 have not yet been forwarded to this Office.

Although the following observations have been formulated, we must caution that it represents only an initial review and additional time is required to report the complete findings to your Board:

- DHS' actions on 2 cases appear justified and this Office concurs with the department's decision to suspend instead of proceeding with a discharge action. There was a failure to check the "yes" box on the job application, however, the "Record of Convictions" section was completed. Additionally, there is no apparent relationship between the offense and the job that is currently performed.
- Three cases involved partial disclosure of the convictions and the suspensions appear appropriate.

Each Supervisor
February 9, 2009
Page 4

- Six cases involved the non-disclosure of convictions and the actions appear appropriate except for two cases in which the decision-making did not meet County policies based on the information currently available to us.
 - This Office has discussed these two cases with DHS and we are discussing corrective action. As previously noted, the Skelly process is independent and decisions are final; under no circumstances will this "go forward" approach apply to matters that have already been addressed.

This Office will continue with its efforts to work closely with DHS and will provide its complete findings to your Board by February 27, 2009.

If you have any questions, please contact me or your staff may contact Mason Matthews of this Office at (213) 974-2395 or mmatthews@ceo.lacounty.gov; or Greg Polk with DHS at (213) 240-8124 or gpolk@ladhs.org.

WTF:SRH:SAS
MLM:MM:yb

Attachment

c: Executive Officer, Board of Supervisors
County Counsel
Interim Director, Department of Health Services

020909_HMHS_MBS_Background Investigations

**DEPARTMENT OF HEALTH SERVICES
IMPLEMENTATION OF DHR RECOMMENDATIONS**

DHR Recommendation	No.	DHS Action
Discharge	19	<ul style="list-style-type: none"> - 4 resulted in discharge; - 11 suspensions of 10-30 days; - 1 letter of determination and expectation*; - 1 submitted court petition for expungement; - 1 pending Skelly Manager's recommendation; and - 1 pending court proceeding.
Suspension of 6-30 Days	14	<ul style="list-style-type: none"> - 9 resulted in suspension of 6-30 days; - 3 on medical leave of absence; - 1 letter of determination and expectation*; and - 1 pending Skelly Manager's recommendation.
Suspension of 1-5 Days	8	Processed in accordance with DHR recommendation.
Warnings or Reprimands	23	Processed in accordance with DHR recommendation.
Letter of Determination and Expectation*	75	Processed in accordance with DHR recommendation.
Confirmed Out of Service or Transfer	11	Processed in accordance with DHR recommendation.
Cases still pending court proceedings	2	Processed in accordance with DHR recommendation.
Total Cases	152	

* Refers to letter sent to employee regarding the Department's determination of their background review and reminds them of the expected level of integrity in their off-duty conduct.